

## Calendar No. 366

110TH CONGRESS  
1ST SESSION**S. 278****[Report No. 110–168]**

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2007

Mr. THOMAS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2007

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) ~~SHORT TITLE.—This Act may be cited as the~~  
5       ~~“National Heritage Areas Partnership Act”.~~

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

See. 1: Short title; table of contents.  
 See. 2: Purposes.  
 See. 3: Definitions.  
 See. 4: National Heritage Areas system.  
 See. 5: Studies.  
 See. 6: Designation of National Heritage Areas.  
 See. 7: Management plans.  
 See. 8: Local coordinating entities.  
 See. 9: Relationship to other Federal agencies.  
 See. 10: Private property and regulatory protections.  
 See. 11: Partnership support.  
 See. 12: Authorization of appropriations.

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act are—

5 (1) to promote public understanding, apprecia-  
 6 tion, and enjoyment of many places, events and peo-  
 7 ple that have contributed to the story of the United  
 8 States;

9 (2) to promote innovative and partnership-driv-  
 10 en management strategies that recognize regional  
 11 values, encourage locally tailored resource steward-  
 12 ship and interpretation, and provide for the effective  
 13 leveraging of Federal funds with other local, State,  
 14 and private funding sources;

15 (3) to unify national standards and processes  
 16 for conducting feasibility studies, designating a sys-  
 17 tem of National Heritage Areas, and approving  
 18 management plans for National Heritage Areas;

19 (4) to provide appropriate linkages between  
 20 units of the National Park System and communities;

governments, and organizations within National Heritage Areas; and

(5) to provide financial and technical assistance to National Heritage Area local coordinating entities that act as a catalyst for diverse regions, communities, organizations, and citizens to undertake projects and programs for collaborative resource stewardship and interpretation.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the entity designated by Congress—

(A) to develop, in partnership with others, the management plan for a National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations

to meet the goals of the National Heritage Area, in  
accordance with section 7.

~~(3)~~ NATIONAL HERITAGE AREA.—The term  
“National Heritage Area” means an area designated  
by Congress that is nationally important to the her-  
itage of the United States and meets the criteria es-  
tablished under section 5(a).

~~(4)~~ NATIONAL IMPORTANCE.—The term “na-  
tional importance” means possession of—

~~(A)~~ unique natural, historical, cultural,  
educational, scenic, or recreational resources of  
exceptional value or quality; and

~~(B)~~ a high degree of integrity of location,  
setting, or association in illustrating or inter-  
preting the heritage of the United States.

~~(5)~~ PROPOSED NATIONAL HERITAGE AREA.—  
The term “proposed National Heritage Area” means  
an area under study by the Secretary or other par-  
ties for potential designation by Congress as a Na-  
tional Heritage Area.

~~(6)~~ SECRETARY.—The term “Secretary” means  
the Secretary of the Interior.

~~(7)~~ STUDY.—The term “study” means a study  
conducted by the Secretary, or conducted by 1 or  
more other interested parties and reviewed by the

1 Secretary, in accordance with the criteria and proc-  
2 esses established under section 5, to determine  
3 whether an area meets the criteria to be designated  
4 as a National Heritage Area by Congress.

5 (8) SYSTEM.—The term “system” means the  
6 system of National Heritage Areas established under  
7 section 4(a).

8 **SEC. 4. NATIONAL HERITAGE AREAS SYSTEM.**

9 (a) IN GENERAL.—In order to recognize certain  
10 areas of the United States that tell nationally important  
11 stories and to protect, enhance, and interpret the natural,  
12 historic, scenic, and cultural resources of the areas that  
13 together illustrate significant aspects of the heritage of the  
14 United States, there is established a system of National  
15 Heritage Areas through which the Secretary shall provide  
16 technical and financial assistance to local coordinating en-  
17 tities to support the establishment, development, and con-  
18 tinuity of the National Heritage Areas.

19 (b) SYSTEM.—The system of National Heritage  
20 Areas shall be composed of—

21 (1) National Heritage Areas established by  
22 Congress before or on the date of enactment of this  
23 Act; and

1           (2) National Heritage Areas established by  
 2           Congress after the date of enactment of this Act, as  
 3           provided for in this Act.

4           (c) RELATIONSHIP TO THE NATIONAL PARK SYS-  
 5           TEM.—

6           (1) RELATIONSHIP TO NATIONAL PARK  
 7           UNITS.—The Secretary shall—

8                   (A) ensure, to the maximum extent prac-  
 9                   ticable, participation and assistance by units of  
 10                  the National Park System located near or en-  
 11                  compassed by National Heritage Areas in local  
 12                  initiatives for National Heritage Areas that  
 13                  conserve and interpret resources consistent with  
 14                  an approved management plan; and

15                  (B) work with National Heritage Areas to  
 16                  promote public enjoyment of units of the Na-  
 17                  tional Park System and park-related resources.

18           (2) APPLICABILITY OF LAWS.—National Herit-  
 19           age Areas shall not be—

20                   (A) considered to be units of the National  
 21                  Park System; or

22                   (B) subject to the laws applicable to units  
 23                  of the National Park System.

24           (d) DUTIES.—Under the system, the Secretary  
 25           shall—

1           ~~(1)(A)~~ conduct studies, as directed by Congress,  
2           to assess the suitability and feasibility of designating  
3           proposed National Heritage Areas; or

4           ~~(B)~~ review and comment on studies undertaken  
5           by other parties to make such assessment;

6           ~~(2)~~ provide technical and financial assistance;  
7           on a reimbursable or non-reimbursable basis (as de-  
8           termined by the Secretary); for the development and  
9           implementation of management plans for designated  
10          National Heritage Areas;

11          ~~(3)~~ enter into cooperative agreements with in-  
12          terested parties to carry out this Act;

13          ~~(4)~~ provide information; promote under-  
14          standing; and encourage research on National Herit-  
15          age Areas in partnership with local coordinating en-  
16          tities;

17          ~~(5)~~ provide national oversight; analysis; coordi-  
18          nation; and technical and financial assistance and  
19          support to ensure consistency and accountability  
20          under the system;

21          ~~(6)~~ submit annually to the Committee on Re-  
22          sources of the House of Representatives and the  
23          Committee on Energy and Natural Resources of the  
24          Senate a report describing the allocation and ex-  
25          penditure of funds for activities conducted with re-

1 spect to National Heritage Areas under this Act;  
 2 and

3 ~~(7)(A)~~ conduct an evaluation and prepare a re-  
 4 port on the accomplishments, sustainability, and rec-  
 5 ommendations for the future of each designated Na-  
 6 tional Heritage Area 3 years before cessation of  
 7 Federal funding for the area under section 12; and  
 8 ~~(B)~~ submit a report on the findings of the eval-  
 9 uation to the Committee on Resources of the House  
 10 of Representatives and the Committee on Energy  
 11 and Natural Resources of the Senate.

12 **SEC. 5. STUDIES.**

13 ~~(a) CRITERIA.~~—In conducting or reviewing a study,  
 14 the Secretary shall apply the following criteria to deter-  
 15 mine the suitability and feasibility of designating a pro-  
 16 posed National Heritage Area:

17 ~~(1) An area—~~

18 ~~(A) has an assemblage of natural, historic,~~  
 19 ~~cultural, educational, scenic, or recreational re-~~  
 20 ~~sources that together are nationally important~~  
 21 ~~to the heritage of the United States;~~

22 ~~(B) represents distinctive aspects of the~~  
 23 ~~heritage of the United States worthy of recogni-~~  
 24 ~~tion, conservation, interpretation, and con-~~  
 25 ~~tinuing use;~~



1           (C) is best managed as such an assemblage  
2           through partnerships among public and private  
3           entities at the local or regional level;

4           (D) reflects traditions, customs, beliefs,  
5           and folklife that are a valuable part of the her-  
6           itage of the United States;

7           (E) provides outstanding opportunities to  
8           conserve natural, historical, cultural, or scenic  
9           features;

10          (F) provides outstanding recreational or  
11          educational opportunities; and

12          (G) has resources and traditional uses that  
13          have national importance.

14          (2) Residents, business interests, nonprofit or-  
15          ganizations, and governments (including relevant  
16          Federal land management agencies) within the pro-  
17          posed area are involved in the planning and have  
18          demonstrated significant support through letters and  
19          other means for National Heritage Area designation  
20          and management.

21          (3) The local coordinating entity responsible for  
22          preparing and implementing the management plan is  
23          identified.

24          (4) The proposed local coordinating entity and  
25          units of government supporting the designation are

1 willing and have documented a significant commit-  
2 ment to work in partnership to protect, enhance, in-  
3 terpret, fund, manage, and develop resources within  
4 the National Heritage Area.

5 (5) The proposed local coordinating entity has  
6 developed a conceptual financial plan that outlines  
7 the roles of all participants (including the Federal  
8 Government) in the management of the National  
9 Heritage Area.

10 (6) The proposal is consistent with continued  
11 economic activity within the area.

12 (7) A conceptual boundary map has been devel-  
13 oped and is supported by the public and partici-  
14 pating Federal agencies.

15 (b) CONSULTATION.—In conducting or reviewing a  
16 study, the Secretary shall consult with the managers of  
17 any Federal land within the proposed National Heritage  
18 Area and secure the concurrence of the managers with the  
19 findings of the study before making a determination for  
20 designation.

21 (c) APPROVAL.—On completion or receipt of a study  
22 for a National Heritage Area, the Secretary shall—

23 (1) review, comment on, and determine if the  
24 study meets the criteria specified in subsection (a)  
25 for designation as a National Heritage Area;

1           (2) consult with the Governor of each State in  
2       which the proposed National Heritage Area is lo-  
3       cated; and

4           (3) transmit to the Committee on Resources of  
5       the House of Representatives and the Committee on  
6       Energy and Natural Resources of the Senate, the  
7       study, including—

8           (A) any comments received from the Gov-  
9       ernor of each State in which the proposed Na-  
10      tional Heritage Area is located; and

11          (B) a finding as to whether the proposed  
12      National Heritage Area meets the criteria for  
13      designation.

14      (d) DISAPPROVAL.—If the Secretary determines that  
15      any proposed National Heritage Area does not meet the  
16      criteria for designation, the Secretary shall include within  
17      the study submitted under subsection (c)(3) a description  
18      of the reasons for the determination.

19      **SEC. 6. DESIGNATION OF NATIONAL HERITAGE AREAS.**

20      (a) IN GENERAL.—The designation of a National  
21      Heritage Area shall be—

22          (1) by Act of Congress; and

23          (2) contingent on the prior completion of a  
24      study and an affirmative determination by the Sec-

1       retary that the area meets the criteria established  
2       under section 5(a).

3       (b) COMPONENT OF THE SYSTEM.—Any National  
4       Heritage Area designated under subsection (a) shall be a  
5       component of the system.

6       **SEC. 7. MANAGEMENT PLANS.**

7       (a) REQUIREMENTS.—The management plan for any  
8       National Heritage Area shall—

9               (1) describe comprehensive policies, goals, strat-  
10       egies, and recommendations for telling the story of  
11       the heritage of the area covered by the National  
12       Heritage Area and encouraging long-term resource  
13       protection, enhancement, interpretation, funding,  
14       management, and development of the National Her-  
15       itage Area;

16              (2) include a description of actions and commit-  
17       ments that governments, private organizations, and  
18       citizens will take to protect, enhance, interpret, fund,  
19       manage, and develop the natural, historical, cultural,  
20       educational, scenic, and recreational resources of the  
21       National Heritage Area;

22              (3) specify existing and potential sources of  
23       funding or economic development strategies to pro-  
24       tect, enhance, interpret, fund, manage, and develop  
25       the National Heritage Area;

1           (4) include an inventory of the natural, histor-  
2           ical, cultural, educational, scenic, and recreational  
3           resources of the National Heritage Area related to  
4           the national importance and themes of the National  
5           Heritage Area that should be protected, enhanced,  
6           interpreted, managed, funded, and developed;

7           (5) recommend policies and strategies for re-  
8           source management, including the development of  
9           intergovernmental and interagency agreements to  
10          protect, enhance, interpret, fund, manage, and de-  
11          velop the natural, historical, cultural, educational,  
12          scenic, and recreational resources of the National  
13          Heritage Area;

14          (6) describe a program for implementation for  
15          the management plan, including—

16                (A) performance goals;

17                (B) plans for resource protection, enhance-  
18                ment, interpretation, funding, management, and  
19                development; and

20                (C) specific commitments for implementa-  
21                tion that have been made by the local coordi-  
22                nating entity or any government agency, organi-  
23                zation, business, or individual;

24          (7) include an analysis of, and recommenda-  
25          tions for, means by which Federal, State, and local

1 programs may best be coordinated (including the  
2 role of the National Park Service and other Federal  
3 agencies associated with the National Heritage  
4 Area) to further the purposes of this Act; and

5 (8) include a business plan that—

6 (A) describes the role, operation, financing,  
7 and functions of the local coordinating entity  
8 and of each of the major activities contained in  
9 the management plan; and

10 (B) provides adequate assurances that the  
11 local coordinating entity has the partnerships  
12 and financial and other resources necessary to  
13 implement the management plan for the Na-  
14 tional Heritage Area.

15 (b) DEADLINE.—

16 (1) IN GENERAL.—Not later than 3 years after  
17 the date on which funds are first made available to  
18 develop the management plan after designation as a  
19 National Heritage Area, the local coordinating entity  
20 shall submit the management plan to the Secretary  
21 for approval.

22 (2) TERMINATION OF FUNDING.—If the man-  
23 agement plan is not submitted to the Secretary in  
24 accordance with paragraph (1), the local coordi-  
25 nating entity shall not qualify for any additional fi-

1        nancial assistance under this Act until such time as  
 2        the management plan is submitted to and approved  
 3        by the Secretary.

4        ~~(c) APPROVAL OF MANAGEMENT PLAN.—~~

5            ~~(1) REVIEW.—~~Not later than 180 days after re-  
 6        ceiving the plan, the Secretary shall review and ap-  
 7        prove or disapprove the management plan for a Na-  
 8        tional Heritage Area on the basis of the criteria es-  
 9        tablished under paragraph ~~(3)~~.

10          ~~(2) CONSULTATION.—~~The Secretary shall con-  
 11        sult with the Governor of each State in which the  
 12        National Heritage Area is located before approving  
 13        a management plan for the National Heritage Area.

14          ~~(3) CRITERIA FOR APPROVAL.—~~In determining  
 15        whether to approve a management plan for a Na-  
 16        tional Heritage Area, the Secretary shall consider  
 17        whether—

18            ~~(A)~~ the local coordinating entity represents  
 19        the diverse interests of the National Heritage  
 20        Area, including governments, natural and his-  
 21        toric resource protection organizations, edu-  
 22        cational institutions, businesses, recreational or-  
 23        ganizations, community residents, and private  
 24        property owners;

25            ~~(B)~~ the local coordinating entity—

1           (i) has afforded adequate opportunity  
2           for public and governmental involvement  
3           (including through workshops and hear-  
4           ings) in the preparation of the manage-  
5           ment plan; and

6           (ii) provides for at least semiannual  
7           public meetings to ensure adequate imple-  
8           mentation of the management plan;

9           (C) the resource protection, enhancement,  
10          interpretation, funding, management, and de-  
11          velopment strategies described in the manage-  
12          ment plan, if implemented, would adequately  
13          protect, enhance, interpret, fund, manage, and  
14          develop the natural, historic, cultural, edu-  
15          cational, scenic, and recreational resources of  
16          the National Heritage Area;

17          (D) the management plan would not ad-  
18          versely affect any activities authorized on Fed-  
19          eral land under public land laws or land use  
20          plans;

21          (E) the local coordinating entity has dem-  
22          onstrated the financial capability, in partner-  
23          ship with others, to carry out the plan;

24          (F) the Secretary has received adequate  
25          assurances from the appropriate State and local



officials whose support is needed to ensure the effective implementation of the State and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the

purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

#### SEC. 8. LOCAL COORDINATING ENTITIES.

(a) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with section 7;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this Act, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

1           ~~(D)~~ the amounts leveraged with Federal  
2 funds and sources of the leveraging; and

3           ~~(E)~~ grants made to any other entities dur-  
4 ing the fiscal year;

5           ~~(3)~~ make available for audit for each fiscal year  
6 for which the local coordinating entity receives Fed-  
7 eral funds under this Act; all information pertaining  
8 to the expenditure of the funds and any matching  
9 funds; and

10          ~~(4)~~ encourage economic viability and sustain-  
11 ability that is consistent with the purposes of the  
12 National Heritage Area.

13          ~~(b)~~ AUTHORITIES.—For the purposes of preparing  
14 and implementing the approved management plan for the  
15 National Heritage Area, the local coordinating entity may  
16 use Federal funds made available under this Act to—

17           ~~(1)~~ make grants to political jurisdictions, non-  
18 profit organizations, and other parties within the  
19 National Heritage Area;

20           ~~(2)~~ enter into cooperative agreements with or  
21 provide technical assistance to political jurisdictions;  
22 nonprofit organizations, Federal agencies, and other  
23 interested parties;

24           ~~(3)~~ hire and compensate staff, including individ-  
25 uals with expertise in—

1           (A) natural, historical, cultural, edu-  
 2           cational, scenic, and recreational resource con-  
 3           servation;

4           (B) economic and community development;  
 5           and

6           (C) heritage planning;

7           (4) obtain funds or services from any source;  
 8           including other Federal laws or programs;

9           (5) contract for goods or services; and

10          (6) support activities of partners and any other  
 11          activities that further the purposes of the National  
 12          Heritage Area and are consistent with the approved  
 13          management plan.

14          (c) PROHIBITION ON ACQUISITION OF REAL PROP-  
 15          ERTY.—The local coordinating entity may not use Federal  
 16          funds authorized under this Act to acquire any interest  
 17          in real property.

18       **SEC. 9. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

19          (a) IN GENERAL.—Nothing in this Act affects the au-  
 20          thority of a Federal agency to provide technical or finan-  
 21          cial assistance under any other law.

22          (b) CONSULTATION AND COORDINATION.—The head  
 23          of any Federal agency planning to conduct activities that  
 24          may have an impact on a National Heritage Area is en-  
 25          couraged to consult and coordinate the activities with the

1 Secretary and the local coordinating entity to the max-  
 2 imum extent practicable.

3 ~~(c) OTHER FEDERAL AGENCIES.—Nothing in this~~  
 4 ~~Act—~~

5 ~~(1) modifies, alters, or amends any law or regula-~~  
 6 ~~tion authorizing a Federal agency to manage Fed-~~  
 7 ~~eral land under the jurisdiction of the Federal agen-~~  
 8 ~~cy;~~

9 ~~(2) limits the discretion of a Federal land man-~~  
 10 ~~ager to implement an approved land use plan within~~  
 11 ~~the boundaries of a National Heritage Area; or~~

12 ~~(3) modifies, alters, or amends any authorized~~  
 13 ~~use of Federal land under the jurisdiction of a Fed-~~  
 14 ~~eral agency.~~

15 **SEC. 10. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
 16 **TIONS.**

17 Nothing in this Act—

18 ~~(1) abridges the rights of any property owner~~  
 19 ~~(whether public or private), including the right to re-~~  
 20 ~~frain from participating in any plan, project, pro-~~  
 21 ~~gram, or activity conducted within the National Her-~~  
 22 ~~itage Area;~~

23 ~~(2) requires any property owner to permit pub-~~  
 24 ~~lic access (including access by Federal, State, or~~  
 25 ~~local agencies) to the property of the property~~

1 owner, or to modify public access or use of property  
 2 of the property owner under any other Federal,  
 3 State, or local law;

4 (3) alters any duly adopted land use regulation;  
 5 approved land use plan, or other regulatory author-  
 6 ity of any Federal, State or local agency, or conveys  
 7 any land use or other regulatory authority to any  
 8 local coordinating entity;

9 (4) authorizes or implies the reservation or ap-  
 10 propriation of water or water rights;

11 (5) diminishes the authority of the State to  
 12 manage fish and wildlife, including the regulation of  
 13 fishing and hunting within the National Heritage  
 14 Area; or

15 (6) creates any liability, or affects any liability  
 16 under any other law, of any private property owner  
 17 with respect to any person injured on the private  
 18 property.

19 **SEC. 11. PARTNERSHIP SUPPORT.**

20 (a) **TECHNICAL ASSISTANCE.**—On termination of the  
 21 15-year period for which assistance is provided under sec-  
 22 tion 12, the Secretary may, on request of a local coordi-  
 23 nating entity, continue to provide technical assistance to  
 24 a National Heritage Area under section 4.

25 (b) **GRANT ASSISTANCE.**—

1           (1) IN GENERAL.—The Secretary may establish  
 2           a grant program under which the Secretary provides  
 3           grants, on a competitive basis, to local coordinating  
 4           entities for the conduct of individual projects at Na-  
 5           tional Heritage Areas for which financial assistance  
 6           has terminated under section 12.

7           (2) CONDITIONS.—The provision of a grant  
 8           under paragraph (1) shall be subject to the condition  
 9           that—

10                   (A) a project must be approved by the  
 11                   local coordinating entity as promoting the pur-  
 12                   poses of the management plan required under  
 13                   section 7;

14                   (B) a project may receive only 1 grant of  
 15                   no more than \$250,000 in any 1 fiscal year;

16                   (C) a maximum of \$250,000 may be re-  
 17                   ceived by a local coordinating entity for projects  
 18                   funded under this subsection in any 1 fiscal  
 19                   year; and

20                   (D) a project shall not be eligible for fund-  
 21                   ing under this section in any fiscal year that a  
 22                   local coordinating entity receives an appropria-  
 23                   tion through the National Park Service (exclud-  
 24                   ing technical assistance) for the National Herit-

1           age Area at which the project is being con-  
2           ducted.

3           (c) **REPORT.**—For each fiscal year in which assist-  
4           ance is provided under this section, the Secretary shall  
5           submit to the Committee on Appropriations of the House  
6           of Representatives and the Committee on Appropriations  
7           of the Senate a list of the projects provided assistance for  
8           the fiscal year.

9           **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

10          (a) **STUDIES.**—There is authorized to be appro-  
11          priated to conduct and review studies under section 5  
12          \$750,000 for each fiscal year, of which not more than  
13          \$250,000 for any fiscal year may be used for any indi-  
14          vidual study for a proposed National Heritage Area.

15          (b) **LOCAL COORDINATING ENTITIES.**—

16               (1) **IN GENERAL.**—There is authorized to be  
17          appropriated to carry out section 8 \$25,000,000 for  
18          each fiscal year, of which not more than—

19                       (A) \$1,000,000 may be made available for  
20                       any fiscal year for any individual National Her-  
21                       itage Area, to remain available until expended;  
22                       and

23                       (B) a total of \$10,000,000 may be made  
24                       available for all such fiscal years for any indi-  
25                       vidual National Heritage Area.



1           (2) TERMINATION DATE.—

2                   (A) IN GENERAL.—The authority of the  
3           Secretary to provide financial assistance to an  
4           individual local coordinating entity under this  
5           section (excluding technical assistance and ad-  
6           ministrative oversight) shall terminate on the  
7           date that is 15 years after the date of the ini-  
8           tial receipt of the assistance by the local coordi-  
9           nating entity.

10                   (B) DESIGNATION.—A National Heritage  
11           Area shall retain the designation as a National  
12           Heritage Area after the termination date pre-  
13           scribed in subparagraph (A).

14           (3) ADMINISTRATION.—Not more than 5 per-  
15           cent of the amount of funds made available under  
16           paragraph (1) for a fiscal year may be used by the  
17           Secretary for technical assistance, oversight, and ad-  
18           ministrative purposes.

19           (c) HERITAGE PARTNERSHIP GRANT ASSISTANCE.—  
20           There is authorized to be appropriated to the Secretary  
21           to carry out section 11 \$5,000,000 for each fiscal year.

22           (d) MATCHING FUNDS.—

23                   (1) IN GENERAL.—As a condition of receiving a  
24           grant under this Act, the recipient of the grant shall

1 provide matching funds in an amount that is equal  
 2 to the amount of the grant.

3 ~~(2) ADMINISTRATION.—The recipient matching~~  
 4 ~~funds—~~

5 ~~(A) shall be derived from non-Federal~~  
 6 ~~sources; and~~

7 ~~(B) may be made in the form of in-kind~~  
 8 ~~contributions of goods or services fairly valued.~~

9 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

10 *(a) SHORT TITLE.—This Act may be cited as the “Na-*  
 11 *tional Heritage Areas Partnership Act”.*

12 *(b) TABLE OF CONTENTS.—The table of contents of this*  
 13 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Purposes.*

*Sec. 3. Definitions.*

*Sec. 4. National Heritage Areas system.*

*Sec. 5. Studies.*

*Sec. 6. Designation of National Heritage Areas.*

*Sec. 7. Management plans.*

*Sec. 8. Evaluation; report.*

*Sec. 9. Local coordinating entities.*

*Sec. 10. Relationship to other Federal agencies.*

*Sec. 11. Private property and regulatory protections.*

*Sec. 12. Partnership support.*

*Sec. 13. Authorization of appropriations.*

14 **SEC. 2. PURPOSES.**

15 *The purposes of this Act are—*

16 *(1) to promote public understanding, apprecia-*  
 17 *tion, and enjoyment of many places, events and peo-*  
 18 *ple that have contributed to the story of the United*  
 19 *States;*

1           (2) *to promote innovative and partnership-driv-*  
 2           *en management strategies that recognize regional val-*  
 3           *ues, encourage locally tailored resource stewardship*  
 4           *and interpretation, and provide for the effective*  
 5           *leveraging of Federal funds with other local, State,*  
 6           *and private funding sources;*

7           (3) *to unify national standards and processes for*  
 8           *conducting feasibility studies, designating a system of*  
 9           *National Heritage Areas, and approving management*  
 10          *plans for National Heritage Areas;*

11          (4) *to provide appropriate linkages between*  
 12          *units of the National Park System and communities,*  
 13          *governments, and organizations within National Her-*  
 14          *itage Areas; and*

15          (5) *to provide financial and technical assistance*  
 16          *to National Heritage Area local coordinating entities*  
 17          *that act as a catalyst for diverse regions, commu-*  
 18          *nities, organizations, and citizens to undertake*  
 19          *projects and programs for collaborative resource stew-*  
 20          *ardship and interpretation.*

21 **SEC. 3. DEFINITIONS.**

22 *In this Act:*

23          (1) *LOCAL COORDINATING ENTITY.*—*The term*  
 24          *“local coordinating entity” means the entity des-*  
 25          *ignated by Congress—*

1           (A) to develop, in partnership with others,  
 2           the management plan for a National Heritage  
 3           Area; and

4           (B) to act as a catalyst for the implementa-  
 5           tion of projects and programs among diverse  
 6           partners in the National Heritage Area.

7           (2) *MANAGEMENT PLAN.*—The term “manage-  
 8           ment plan” means the plan prepared by the local co-  
 9           ordinating entity for a National Heritage Area des-  
 10          ignated by Congress that specifies actions, policies,  
 11          strategies, performance goals, and recommendations  
 12          to meet the goals of the National Heritage Area, in  
 13          accordance with section 7.

14          (3) *NATIONAL HERITAGE AREA.*—The term “Na-  
 15          tional Heritage Area” means an area designated by  
 16          Congress that is nationally important to the heritage  
 17          of the United States and meets the criteria established  
 18          under section 5(a).

19          (4) *NATIONAL IMPORTANCE.*—The term “na-  
 20          tional importance” means possession of—

21               (A) unique natural, historical, cultural,  
 22               educational, scenic, or recreational resources of  
 23               exceptional value or quality; and

1           (B) a high degree of integrity of location,  
 2           setting, or association in illustrating or inter-  
 3           preting the heritage of the United States.

4           (5) *PROPOSED NATIONAL HERITAGE AREA.*—The  
 5           term “proposed National Heritage Area” means an  
 6           area under study by the Secretary or other parties for  
 7           potential designation by Congress as a National Her-  
 8           itage Area.

9           (6) *SECRETARY.*—The term “Secretary” means  
 10          the Secretary of the Interior.

11          (7) *STUDY.*—The term “study” means a study  
 12          conducted by the Secretary, or conducted by 1 or more  
 13          other interested parties and reviewed by the Sec-  
 14          retary, in accordance with the criteria and processes  
 15          established under section 5, to determine whether an  
 16          area meets the criteria to be designated as a National  
 17          Heritage Area by Congress.

18          (8) *SYSTEM.*—The term “system” means the sys-  
 19          tem of National Heritage Areas established under sec-  
 20          tion 4(a).

21 **SEC. 4. NATIONAL HERITAGE AREAS SYSTEM.**

22          (a) *IN GENERAL.*—In order to recognize certain areas  
 23          of the United States that tell nationally important stories  
 24          and to protect, enhance, and interpret the natural, historic,  
 25          scenic, and cultural resources of the areas that together il-

1 *illustrate significant aspects of the heritage of the United*  
 2 *States, there is established a system of National Heritage*  
 3 *Areas through which the Secretary shall provide technical*  
 4 *and financial assistance to local coordinating entities to*  
 5 *support the establishment, development, and continuity of*  
 6 *the National Heritage Areas.*

7       **(b) SYSTEM.**—*The system of National Heritage Areas*  
 8 *shall be composed of—*

9               **(1) National Heritage Areas established by Con-**  
 10 *gress before or on the date of enactment of this Act;*  
 11 *and*

12               **(2) National Heritage Areas established by Con-**  
 13 *gress after the date of enactment of this Act, as pro-*  
 14 *vided for in this Act.*

15       **(c) RELATIONSHIP TO THE NATIONAL PARK SYS-**  
 16 *TEM.*—

17               **(1) RELATIONSHIP TO NATIONAL PARK UNITS.**—  
 18 *The Secretary shall—*

19               **(A)** *ensure, to the maximum extent prac-*  
 20 *ticable, participation and assistance by units of*  
 21 *the National Park System located near or en-*  
 22 *compassed by National Heritage Areas in local*  
 23 *initiatives for National Heritage Areas that con-*  
 24 *serve and interpret resources consistent with an*  
 25 *approved management plan; and*

1                   (B) *work with National Heritage Areas to*  
 2                   *promote public enjoyment of units of the Na-*  
 3                   *tional Park System and park-related resources.*

4                   (2) *APPLICABILITY OF LAWS.—National Heritage*  
 5                   *Areas shall not be—*

6                   (A) *considered to be units of the National*  
 7                   *Park System; or*

8                   (B) *subject to the laws applicable to units*  
 9                   *of the National Park System.*

10                  (d) *DUTIES.—Under the system, the Secretary shall—*

11                   (1)(A) *conduct studies, as directed by Congress,*  
 12                   *to assess the suitability and feasibility of designating*  
 13                   *proposed National Heritage Areas; or*

14                   (B) *review and comment on studies undertaken*  
 15                   *by other parties to make such assessment;*

16                   (2) *provide technical and financial assistance,*  
 17                   *on a reimbursable or non-reimbursable basis (as de-*  
 18                   *termined by the Secretary), for the development and*  
 19                   *implementation of management plans for designated*  
 20                   *National Heritage Areas;*

21                   (3) *enter into cooperative agreements with inter-*  
 22                   *ested parties to carry out this Act;*

23                   (4) *provide information, promote understanding,*  
 24                   *and encourage research on National Heritage Areas*  
 25                   *in partnership with local coordinating entities;*

1           (5) *provide national oversight, analysis, coordi-*  
 2           *nation, and technical and financial assistance and*  
 3           *support to ensure consistency and accountability*  
 4           *under the system;*

5           (6) *submit annually to the Committee on Nat-*  
 6           *ural Resources of the House of Representatives and*  
 7           *the Committee on Energy and Natural Resources of*  
 8           *the Senate a report describing the allocation and ex-*  
 9           *penditure of funds for activities conducted with re-*  
 10          *spect to National Heritage Areas under this Act; and*

11          (7) *conduct an evaluation of, and prepare a re-*  
 12          *port on, National Heritage Areas in accordance with*  
 13          *section 8.*

14 **SEC. 5. STUDIES.**

15          (a) *CRITERIA.*—*In conducting or reviewing a study,*  
 16          *the Secretary shall apply the following criteria to determine*  
 17          *the suitability and feasibility of designating a proposed Na-*  
 18          *tional Heritage Area:*

19               (1) *An area—*

20                       (A) *has an assemblage of natural, historic,*  
 21                       *cultural, educational, scenic, or recreational re-*  
 22                       *sources that together are nationally important to*  
 23                       *the heritage of the United States;*



1           (B) represents distinctive aspects of the her-  
 2           itage of the United States worthy of recognition,  
 3           conservation, interpretation, and continuing use;

4           (C) is best managed as such an assemblage  
 5           through partnerships among public and private  
 6           entities at the local or regional level;

7           (D) reflects traditions, customs, beliefs, and  
 8           folklife that are a valuable part of the heritage  
 9           of the United States;

10          (E) provides outstanding opportunities to  
 11          conserve natural, historical, cultural, or scenic  
 12          features;

13          (F) provides outstanding recreational or  
 14          educational opportunities; and

15          (G) has resources and traditional uses that  
 16          have national importance.

17          (2) Residents, business interests, nonprofit orga-  
 18          nizations, and governments (including relevant Fed-  
 19          eral land management agencies) within the proposed  
 20          area are involved in the planning and have dem-  
 21          onstrated significant support through letters and  
 22          other means for National Heritage Area designation  
 23          and management.

1           (3) *The local coordinating entity responsible for*  
 2           *preparing and implementing the management plan is*  
 3           *identified.*

4           (4) *The proposed local coordinating entity and*  
 5           *units of government supporting the designation are*  
 6           *willing and have documented a significant commit-*  
 7           *ment to work in partnership to protect, enhance, in-*  
 8           *terpret, fund, manage, and develop resources within*  
 9           *the National Heritage Area.*

10          (5) *The proposed local coordinating entity has*  
 11          *developed a conceptual financial plan that outlines*  
 12          *the roles of all participants (including the Federal*  
 13          *Government) in the management of the National Her-*  
 14          *itage Area.*

15          (6) *The proposal is consistent with continued*  
 16          *economic activity within the area.*

17          (7) *A conceptual boundary map has been devel-*  
 18          *oped and is supported by the public and partici-*  
 19          *pating Federal agencies.*

20          (b) *CONSULTATION.—In conducting or reviewing a*  
 21          *study, the Secretary shall consult with the managers of any*  
 22          *Federal land within the proposed National Heritage Area*  
 23          *and secure the concurrence of the managers with the find-*  
 24          *ings of the study before making a determination for des-*  
 25          *ignation.*

1       (c) *APPROVAL.*—On completion or receipt of a study  
2 for a National Heritage Area, the Secretary shall—

3           (1) review, comment on, and determine if the  
4 study meets the criteria specified in subsection (a) for  
5 designation as a National Heritage Area;

6           (2) consult with the Governor of each State in  
7 which the proposed National Heritage Area is located;  
8 and

9           (3) transmit to the Committee on Natural Re-  
10 sources of the House of Representatives and the Com-  
11 mittee on Energy and Natural Resources of the Sen-  
12 ate, the study, including—

13           (A) any comments received from the Gov-  
14 ernor of each State in which the proposed Na-  
15 tional Heritage Area is located; and

16           (B) a finding as to whether the proposed  
17 National Heritage Area meets the criteria for  
18 designation.

19       (d) *DISAPPROVAL.*—If the Secretary determines that  
20 any proposed National Heritage Area does not meet the cri-  
21 teria for designation, the Secretary shall include within the  
22 study submitted under subsection (c)(3) a description of the  
23 reasons for the determination.

1 **SEC. 6. DESIGNATION OF NATIONAL HERITAGE AREAS.**

2 (a) *IN GENERAL.*—*The designation of a National Her-*  
3 *itage Area shall be—*

4 (1) *by Act of Congress; and*

5 (2) *contingent on the prior completion of a study*  
6 *and an affirmative determination by the Secretary*  
7 *that the area meets the criteria established under sec-*  
8 *tion 5(a).*

9 (b) *COMPONENT OF THE SYSTEM.*—*Any National Her-*  
10 *itage Area designated under subsection (a) shall be a com-*  
11 *ponent of the system.*

12 **SEC. 7. MANAGEMENT PLANS.**

13 (a) *REQUIREMENTS.*—*The management plan for any*  
14 *National Heritage Area shall—*

15 (1) *describe comprehensive policies, goals, strate-*  
16 *gies, and recommendations for telling the story of the*  
17 *heritage of the area covered by the National Heritage*  
18 *Area and encouraging long-term resource protection,*  
19 *enhancement, interpretation, funding, management,*  
20 *and development of the National Heritage Area;*

21 (2) *include a description of actions and commit-*  
22 *ments that governments, private organizations, and*  
23 *citizens will take to protect, enhance, interpret, fund,*  
24 *manage, and develop the natural, historical, cultural,*  
25 *educational, scenic, and recreational resources of the*  
26 *National Heritage Area;*

1           (3) *specify existing and potential sources of*  
 2           *funding or economic development strategies to protect,*  
 3           *enhance, interpret, fund, manage, and develop the Na-*  
 4           *tional Heritage Area;*

5           (4) *include an inventory of the natural, histor-*  
 6           *ical, cultural, educational, scenic, and recreational re-*  
 7           *sources of the National Heritage Area related to the*  
 8           *national importance and themes of the National Her-*  
 9           *itage Area that should be protected, enhanced, inter-*  
 10          *preted, managed, funded, and developed;*

11          (5) *recommend policies and strategies for re-*  
 12          *source management, including the development of*  
 13          *intergovernmental and interagency agreements to pro-*  
 14          *tect, enhance, interpret, fund, manage, and develop*  
 15          *the natural, historical, cultural, educational, scenic,*  
 16          *and recreational resources of the National Heritage*  
 17          *Area;*

18          (6) *describe a program for implementation for*  
 19          *the management plan, including—*

20                (A) *performance goals;*

21                (B) *plans for resource protection, enhance-*  
 22                *ment, interpretation, funding, management, and*  
 23                *development; and*

24                (C) *specific commitments for implementa-*  
 25                *tion that have been made by the local coordi-*

1           *nating entity or any government agency, organi-*  
 2           *zation, business, or individual;*

3           *(7) include an analysis of, and recommendations*  
 4           *for, means by which Federal, State, and local pro-*  
 5           *grams may best be coordinated (including the role of*  
 6           *the National Park Service and other Federal agencies*  
 7           *associated with the National Heritage Area) to fur-*  
 8           *ther the purposes of this Act; and*

9           *(8) include a business plan that—*

10           *(A) describes the role, operation, financing,*  
 11           *and functions of the local coordinating entity*  
 12           *and of each of the major activities contained in*  
 13           *the management plan; and*

14           *(B) provides adequate assurances that the*  
 15           *local coordinating entity has the partnerships*  
 16           *and financial and other resources necessary to*  
 17           *implement the management plan for the Na-*  
 18           *tional Heritage Area.*

19           *(b) DEADLINE.—*

20           *(1) IN GENERAL.—Not later than 3 years after*  
 21           *the date on which funds are first made available to*  
 22           *develop the management plan after designation as a*  
 23           *National Heritage Area, the local coordinating entity*  
 24           *shall submit the management plan to the Secretary*  
 25           *for approval.*

1           (2) *TERMINATION OF FUNDING.*—*If the manage-*  
 2           *ment plan is not submitted to the Secretary in ac-*  
 3           *cordance with paragraph (1), the local coordinating*  
 4           *entity shall not qualify for any additional financial*  
 5           *assistance under this Act until such time as the man-*  
 6           *agement plan is submitted to and approved by the*  
 7           *Secretary.*

8           (c) *APPROVAL OF MANAGEMENT PLAN.*—

9           (1) *REVIEW.*—*Not later than 180 days after re-*  
 10          *ceiving the plan, the Secretary shall review and ap-*  
 11          *prove or disapprove the management plan for a Na-*  
 12          *tional Heritage Area on the basis of the criteria estab-*  
 13          *lished under paragraph (3).*

14          (2) *CONSULTATION.*—*The Secretary shall consult*  
 15          *with the Governor of each State in which the National*  
 16          *Heritage Area is located before approving a manage-*  
 17          *ment plan for the National Heritage Area.*

18          (3) *CRITERIA FOR APPROVAL.*—*In determining*  
 19          *whether to approve a management plan for a Na-*  
 20          *tional Heritage Area, the Secretary shall consider*  
 21          *whether—*

22                 (A) *the local coordinating entity represents*  
 23                 *the diverse interests of the National Heritage*  
 24                 *Area, including governments, natural and his-*  
 25                 *toric resource protection organizations, edu-*

1        *cational institutions, businesses, recreational or-*  
2        *ganizations, community residents, and private*  
3        *property owners;*

4                *(B) the local coordinating entity—*

5                        *(i) has afforded adequate opportunity*  
6                        *for public and governmental involvement*  
7                        *(including through workshops and hearings)*  
8                        *in the preparation of the management plan;*  
9                        *and*

10                      *(ii) provides for at least semiannual*  
11                      *public meetings to ensure adequate imple-*  
12                      *mentation of the management plan;*

13                *(C) the resource protection, enhancement,*  
14                *interpretation, funding, management, and devel-*  
15                *opment strategies described in the management*  
16                *plan, if implemented, would adequately protect,*  
17                *enhance, interpret, fund, manage, and develop*  
18                *the natural, historic, cultural, educational, sce-*  
19                *nic, and recreational resources of the National*  
20                *Heritage Area;*

21                *(D) the management plan would not ad-*  
22                *versely affect any activities authorized on Fed-*  
23                *eral land under public land laws or land use*  
24                *plans;*



1           (E) the local coordinating entity has dem-  
 2           onstrated the financial capability, in partner-  
 3           ship with others, to carry out the plan;

4           (F) the Secretary has received adequate as-  
 5           surances from the appropriate State and local  
 6           officials whose support is needed to ensure the ef-  
 7           fective implementation of the State and local ele-  
 8           ments of the management plan; and

9           (G) the management plan demonstrates  
 10          partnerships among the local coordinating enti-  
 11          ty, Federal, State, and local governments, re-  
 12          gional planning organizations, nonprofit organi-  
 13          zations, or private sector parties for implementa-  
 14          tion of the management plan.

15       (4) *DISAPPROVAL.*—

16           (A) *IN GENERAL.*—If the Secretary dis-  
 17           approves the management plan, the Secretary—

18                   (i) shall advise the local coordinating  
 19                   entity in writing of the reasons for the dis-  
 20                   approval; and

21                   (ii) may make recommendations to the  
 22                   local coordinating entity for revisions to the  
 23                   management plan.

24           (B) *DEADLINE.*—Not later than 180 days  
 25           after receiving a revised management plan, the

1           *Secretary shall approve or disapprove the revised*  
 2           *management plan.*

3           (5) *AMENDMENTS.*—

4                   (A) *IN GENERAL.*—*An amendment to the*  
 5                   *management plan that substantially alters the*  
 6                   *purposes of the National Heritage Area shall be*  
 7                   *reviewed by the Secretary and approved or dis-*  
 8                   *approved in the same manner as the original*  
 9                   *management plan.*

10                   (B) *IMPLEMENTATION.*—*The local coordi-*  
 11                   *nating entity shall not use Federal funds author-*  
 12                   *ized by this Act to implement an amendment to*  
 13                   *the management plan until the Secretary ap-*  
 14                   *proves the amendment.*

15   **SEC. 8. EVALUATION; REPORT.**

16           (a) *IN GENERAL.*—*Not later than 3 years before the*  
 17           *date on which authority for Federal funding terminates for*  
 18           *a National Heritage Area under section 13(b)(2), the Sec-*  
 19           *retary shall—*

20                   (1) *conduct an evaluation of the accomplish-*  
 21                   *ments of the National Heritage Area; and*

22                   (2) *prepare a report in accordance with sub-*  
 23                   *section (c).*

24           (b) *EVALUATION.*—*An evaluation conducted under*  
 25           *subsection (a)(1) shall—*

1           (1) *assess the progress of the local coordinating*  
 2     *entity with respect to—*

3                 (A) *accomplishing the purposes of the au-*  
 4     *thorizing legislation for the National Heritage*  
 5     *Area; and*

6                 (B) *achieving the goals and objectives of the*  
 7     *approved management plan for the National*  
 8     *Heritage Area;*

9           (2) *analyze the Federal, State, local, and private*  
 10    *investments in the National Heritage Area to deter-*  
 11    *mine the leverage and impact of the investments; and*

12           (3) *review the management structure, partner-*  
 13    *ship relationships, and funding of the National Herit-*  
 14    *age Area for purposes of identifying the critical com-*  
 15    *ponents for sustainability of the National Heritage*  
 16    *Area.*

17    (c) *REPORT.—*

18                 (1) *IN GENERAL.—Based on the evaluation con-*  
 19    *ducted under subsection (a)(1), the Secretary shall*  
 20    *prepare a report that includes recommendations for*  
 21    *the future role of the National Park Service, if any,*  
 22    *with respect to the National Heritage Area.*

23                 (2) *REQUIRED ANALYSIS.—If the report prepared*  
 24    *under paragraph (1) recommends that Federal fund-*

1        *ing for the National Heritage Area be reauthorized,*  
 2        *the report shall include an analysis of—*

3                *(A) ways in which Federal funding for the*  
 4                *National Heritage Area may be reduced or*  
 5                *eliminated; and*

6                *(B) the appropriate time period necessary*  
 7                *to achieve the recommended reduction or elimi-*  
 8                *nation.*

9                *(3) SUBMISSION TO CONGRESS.—On completion*  
 10              *of the report, the Secretary shall submit the report*  
 11              *to—*

12                *(A) the Committee on Energy and Natural*  
 13                *Resources of the Senate; and*

14                *(B) the Committee on Natural Resources of*  
 15                *the House of Representatives.*

16    **SEC. 9. LOCAL COORDINATING ENTITIES.**

17              *(a) DUTIES.—To further the purposes of the National*  
 18              *Heritage Area, the local coordinating entity shall—*

19                *(1) prepare a management plan for the National*  
 20                *Heritage Area, and submit the management plan to*  
 21                *the Secretary, in accordance with section 7;*

22                *(2) submit an annual report to the Secretary for*  
 23                *each fiscal year for which the local coordinating enti-*  
 24                *ty receives Federal funds under this Act, specifying—*

1           (A) the specific performance goals and ac-  
2           complishments of the local coordinating entity;

3           (B) the expenses and income of the local co-  
4           ordinating entity;

5           (C) the amounts and sources of matching  
6           funds;

7           (D) the amounts leveraged with Federal  
8           funds and sources of the leveraging; and

9           (E) grants made to any other entities dur-  
10          ing the fiscal year;

11          (3) make available for audit for each fiscal year  
12          for which the local coordinating entity receives Fed-  
13          eral funds under this Act, all information pertaining  
14          to the expenditure of the funds and any matching  
15          funds; and

16          (4) encourage economic viability and sustain-  
17          ability that is consistent with the purposes of the Na-  
18          tional Heritage Area.

19          (b) *AUTHORITIES.*—For the purposes of preparing and  
20          implementing the approved management plan for the Na-  
21          tional Heritage Area, the local coordinating entity may use  
22          Federal funds made available under this Act to—

23               (1) make grants to political jurisdictions, non-  
24               profit organizations, and other parties within the Na-  
25               tional Heritage Area;

1           (2) *enter into cooperative agreements with or*  
 2           *provide technical assistance to political jurisdictions,*  
 3           *nonprofit organizations, Federal agencies, and other*  
 4           *interested parties;*

5           (3) *hire and compensate staff, including individ-*  
 6           *uals with expertise in—*

7                   (A) *natural, historical, cultural, edu-*  
 8                   *cational, scenic, and recreational resource con-*  
 9                   *servation;*

10                   (B) *economic and community development;*  
 11                   *and*

12                   (C) *heritage planning;*

13           (4) *obtain funds or services from any source, in-*  
 14           *cluding other Federal laws or programs;*

15           (5) *contract for goods or services; and*

16           (6) *support activities of partners and any other*  
 17           *activities that further the purposes of the National*  
 18           *Heritage Area and are consistent with the approved*  
 19           *management plan.*

20           (c) *PROHIBITION ON ACQUISITION OF REAL PROP-*  
 21           *ERTY.—The local coordinating entity may not use Federal*  
 22           *funds authorized under this Act to acquire any interest in*  
 23           *real property.*

1 **SEC. 10. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

2       (a) *IN GENERAL.*—*Nothing in this Act affects the au-*  
 3 *thority of a Federal agency to provide technical or financial*  
 4 *assistance under any other law.*

5       (b) *CONSULTATION AND COORDINATION.*—*The head of*  
 6 *any Federal agency planning to conduct activities that may*  
 7 *have an impact on a National Heritage Area is encouraged*  
 8 *to consult and coordinate the activities with the Secretary*  
 9 *and the local coordinating entity to the maximum extent*  
 10 *practicable.*

11       (c) *OTHER FEDERAL AGENCIES.*—*Nothing in this*  
 12 *Act—*

13               (1) *modifies, alters, or amends any law or regu-*  
 14 *lation authorizing a Federal agency to manage Fed-*  
 15 *eral land under the jurisdiction of the Federal agency;*

16               (2) *limits the discretion of a Federal land man-*  
 17 *ager to implement an approved land use plan within*  
 18 *the boundaries of a National Heritage Area; or*

19               (3) *modifies, alters, or amends any authorized*  
 20 *use of Federal land under the jurisdiction of a Fed-*  
 21 *eral agency.*

22 **SEC. 11. PRIVATE PROPERTY AND REGULATORY PROTEC-**  
 23 **TIONS.**

24       *Nothing in this Act—*

25               (1) *abridges the rights of any property owner*  
 26 *(whether public or private), including the right to re-*

1     *frain from participating in any plan, project, pro-*  
2     *gram, or activity conducted within the National Her-*  
3     *itage Area;*

4             *(2) requires any property owner to permit public*  
5     *access (including access by Federal, State, or local*  
6     *agencies) to the property of the property owner, or to*  
7     *modify public access or use of property of the prop-*  
8     *erty owner under any other Federal, State, or local*  
9     *law;*

10            *(3) alters any duly adopted land use regulation,*  
11     *approved land use plan, or other regulatory authority*  
12     *of any Federal, State or local agency, or conveys any*  
13     *land use or other regulatory authority to any local co-*  
14     *ordinating entity;*

15            *(4) authorizes or implies the reservation or ap-*  
16     *propriation of water or water rights;*

17            *(5) diminishes the authority of the State to man-*  
18     *age fish and wildlife, including the regulation of fish-*  
19     *ing and hunting within the National Heritage Area;*  
20     *or*

21            *(6) creates any liability, or affects any liability*  
22     *under any other law, of any private property owner*  
23     *with respect to any person injured on the private*  
24     *property.*



1 **SEC. 12. PARTNERSHIP SUPPORT.**

2       (a) *TECHNICAL ASSISTANCE.*—On termination of the  
3 15-year period for which assistance is provided under sec-  
4 tion 13, the Secretary may, on request of a local coordi-  
5 nating entity, continue to provide technical assistance to  
6 a National Heritage Area under section 4.

7       (b) *GRANT ASSISTANCE.*—

8           (1) *IN GENERAL.*—The Secretary may establish a  
9 grant program under which the Secretary provides  
10 grants, on a competitive basis, to local coordinating  
11 entities for the conduct of individual projects at Na-  
12 tional Heritage Areas for which financial assistance  
13 has terminated under section 13.

14          (2) *CONDITIONS.*—The provision of a grant  
15 under paragraph (1) shall be subject to the condition  
16 that—

17           (A) a project must be approved by the local  
18 coordinating entity as promoting the purposes of  
19 the management plan required under section 7;

20           (B) a project may receive only 1 grant of no  
21 more than \$250,000 in any 1 fiscal year;

22           (C) a maximum of \$250,000 may be re-  
23 ceived by a local coordinating entity for projects  
24 funded under this subsection in any 1 fiscal  
25 year; and

1                   (D) a project shall not be eligible for fund-  
 2                   ing under this section in any fiscal year that a  
 3                   local coordinating entity receives an appropria-  
 4                   tion through the National Park Service (exclud-  
 5                   ing technical assistance) for the National Herit-  
 6                   age Area at which the project is being conducted.

7           (c) *REPORT.*—For each fiscal year in which assistance  
 8           is provided under this section, the Secretary shall submit  
 9           to the Committee on Appropriations of the House of Rep-  
 10          resentatives and the Committee on Appropriations of the  
 11          Senate a list of the projects provided assistance for the fiscal  
 12          year.

13   **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

14          (a) *STUDIES.*—There is authorized to be appropriated  
 15          to conduct and review studies under section 5 \$750,000 for  
 16          each fiscal year, of which not more than \$250,000 for any  
 17          fiscal year may be used for any individual study for a pro-  
 18          posed National Heritage Area.

19          (b) *LOCAL COORDINATING ENTITIES.*—

20               (1) *IN GENERAL.*—There is authorized to be ap-  
 21          propriated to carry out section 9 \$25,000,000 for each  
 22          fiscal year, of which not more than—

23                       (A) \$1,000,000 may be made available for  
 24                       any fiscal year for any individual National Her-

1       itage Area, to remain available until expended;  
2       and

3               (B) a total of \$10,000,000 may be made  
4       available for all such fiscal years for any indi-  
5       vidual National Heritage Area.

6       (2) *TERMINATION DATE.*—

7               (A) *IN GENERAL.*—The authority of the Sec-  
8       retary to provide financial assistance to an indi-  
9       vidual local coordinating entity under this sec-  
10      tion (excluding technical assistance and admin-  
11      istrative oversight) shall terminate on the date  
12      that is 15 years after the date of the initial re-  
13      ceipt of the assistance by the local coordinating  
14      entity.

15              (B) *DESIGNATION.*—A National Heritage  
16      Area shall retain the designation as a National  
17      Heritage Area after the termination date pre-  
18      scribed in subparagraph (A).

19       (3) *ADMINISTRATION.*—Not more than 5 percent  
20      of the amount of funds made available under para-  
21      graph (1) for a fiscal year may be used by the Sec-  
22      retary for technical assistance, oversight, and admin-  
23      istrative purposes.

1       (c) *HERITAGE PARTNERSHIP GRANT ASSISTANCE.*—

2       *There is authorized to be appropriated to the Secretary to*  
 3       *carry out section 12 \$5,000,000 for each fiscal year.*

4       (d) *MATCHING FUNDS.*—

5               (1) *IN GENERAL.*—*As a condition of receiving a*  
 6       *grant under this Act, the recipient of the grant shall*  
 7       *provide matching funds in an amount that is equal*  
 8       *to the amount of the grant.*

9               (2) *ADMINISTRATION.*—*The recipient matching*  
 10       *funds—*

11               (A) *shall be derived from non-Federal*  
 12       *sources; and*

13               (B) *may be made in the form of in-kind*  
 14       *contributions of goods or services fairly valued.*



Calendar No. 366

110TH CONGRESS  
1ST Session

**S. 278**

[Report No. 110-168]

**A BILL**

To establish a program and criteria for National  
Heritage Areas in the United States, and for  
other purposes.

SEPTEMBER 17, 2007

Reported with an amendment